

\*\*\* NOT FOR PUBLICATION \*\*\*

NO. 24019

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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STATE OF HAWAI'I, Plaintiff-Appellee

vs.

A'O RODENHURST, Defendant-Appellant

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APPEAL FROM THE DISTRICT COURT OF THE FIRST CIRCUIT  
(HPD. TRAFFIC NOS. 4867815MO; 4867816MO; 4867817MO)

SUMMARY DISPOSITION ORDER

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Defendant-appellant A'o Rodenhurst (Rodenhurst) appeals from the October 9, 2003 judgment of the district court of the first circuit, the Honorable Leslie Hayashi presiding, convicting her of and sentencing her for: (1) no no-fault insurance, in violation of Hawai'i Revised Statutes (HRS) § 431:10C-104 (Supp. 2003),<sup>1</sup> (2) driving without a license, in violation of HRS § 286-102 (1993 & Supp. 2003),<sup>2</sup> and (3)

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<sup>1</sup> HRS § 431:10C-104 provides:

(a) Except as provided in section 431:10C-105, no person shall operate or use a motor vehicle upon any public street, road, or highway of this State at any time unless such motor vehicle is insured at all times under a motor vehicle insurance policy.

(b) Every owner of a motor vehicle used or operated at any time upon any public street, road, or highway of this State shall obtain a motor vehicle insurance policy upon such vehicle which provides the coverage required by this article and shall maintain the motor vehicle insurance policy at all times for the entire motor vehicle registration period.

(c) Any person who violates the provisions of this section shall be subject to the provisions of section 431:10C-117(a).

(d) The provisions of this article shall not apply to any vehicle owned by or registered in the name of any agency of the federal government, or to any antique motor vehicle as defined in section 249-1.

<sup>2</sup> HRS § 286-102 provides:

(a) No person, except one exempted under section

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<sup>2</sup>(...continued)

286-105, one who holds an instruction permit under section 286-110, one who holds a commercial driver's license instruction permit issued under section 286-236, shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.

(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Mopeds;
- (2) Motorcycles and motor scooters;
- (3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants, and trucks and vans having a gross vehicle weight rating of fifteen thousand pounds or less; and
- (4) All of the motor vehicles in category (3) and trucks having a gross vehicle weight rating of fifteen thousand one through twenty-six thousand pounds.

A school bus or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.

(c) No person shall receive a driver's license without surrendering to the examiner of drivers all valid driver's licenses in the person's possession. All licenses so surrendered shall be returned to the issuing authority, together with information that the person is licensed in this State; provided that with the exception of driver's licenses issued by any Canadian province, a foreign driver's license may be returned to the owner after being invalidated pursuant to issuance of a Hawaii license; and provided further that the examiner of drivers shall notify the authority that issued that foreign license that the license has been invalidated and returned because the owner is now licensed in this State. No person shall be permitted to hold more than one valid driver's license at any time.

(d) In addition to other qualifications and conditions by or pursuant to this part, the right of an individual to hold a motor vehicle operator's license or permit issued by the county is subject to the requirements of section 576D-13.

Upon receipt of certification from the child support enforcement agency pursuant to section 576D-13 that an obligor or individual who owns or operates a motor vehicle is not in compliance with an order of support as defined in section 576D-1 or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding, the examiner of drivers shall suspend the license and right to operate motor vehicles and confiscate the license of the obligor. The examiner of drivers shall not reinstate an obligor's or individual's license until the child support enforcement agency, the office of child support hearings, or the family court issues an authorization that states the

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speeding, in violation of HRS § 291C-102 (1993 & Supp. 2003).<sup>3</sup> On appeal, Rodenhurst argues that she was not subject to HRS §§ 431:10C-104, 286-102, and 291C-102, and the district court's application of such statutes infringed upon her right to travel and violated her right to due process under the law.

Upon carefully reviewing the record and the briefs submitted and having given due consideration to the issues raised and arguments advanced, we initially hold that the merits of the issues raised by Rodenhurst will be addressed, notwithstanding her failure to comply with the requirements of Hawai'i Rules of Appellate Procedure (HRAP) Rule 28(b), inasmuch as this court favors a policy of affording pro se litigants the opportunity to have their cases heard on the merits, where possible. See HRAP Rule 28(b); Housing Fin. and Dev. Corp. v. Ferguson, 91 Hawai'i 81, 979 P.2d 1107 (1999). We further hold that: (1) HRS §§ 431:10C-104, 286-102, and 291C-102, on their face, applied to Rodenhurst and did not infringe upon her right to travel,

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<sup>2</sup>(...continued)

obligor or individual is in compliance with an order of support or has complied with a subpoena or warrant relating to a paternity or child support hearing.

<sup>3</sup> HRS § 291C-102 provides:

(a) No person shall drive a vehicle at a speed greater than a maximum speed limit and no person shall drive a motor vehicle at a speed less than a minimum speed limit established by county ordinance.

(b) The director of transportation with respect to highways under the director's jurisdiction may place signs establishing maximum speed limits or minimum speed limits. Such signs shall be official signs and no person shall drive a vehicle at a speed greater than a maximum speed limit and no person shall drive a motor vehicle at a speed less than a minimum speed limit stated on such signs.

(c) If the maximum speed limit is exceeded by more than ten miles per hour, a surcharge of \$10 shall be imposed, in addition to any other penalties, and shall be deposited into the neurotrauma special fund.

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inasmuch as the State, through its police power, was authorized to regulate the operation of motor vehicles for the safety and order of the general public by requiring that all persons who operate motor vehicles on state highways possess a valid driver's license, no-fault insurance, and refrain from speeding, see State v. French, 77 Hawai'i 222, 883 P.2d 644 (App. 1994); and (2) Rodenhurst's due process rights were not violated, inasmuch as HRS §§ 431:10C-104, 286-102, and 291C-102 did not infringe upon Rodenhurst's right to travel, and, therefore, she was not entitled to notice or an opportunity to be heard prior to the statutes' application, see State v. Adam, 97 Hawai'i 475, 40 P.3d 877 (2002). Therefore,

IT IS HEREBY ORDERED that the district court's October 9, 2003 judgment, from which the appeal is taken, is affirmed.

DATED: Honolulu, Hawai'i, April 30, 2004.

On the briefs:

A'o Rodenhurst,  
defendant-appellant pro se

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State of Hawai'i